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EXAMINER				
SILVER, DAVID				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/537,367

Applicant(s)

MEHREZ ET AL.

Examiner

DAVID SILVER

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-13, 15 and 16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-13, 15 and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 June 2010 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 9-13, 15, and 16 are currently pending in Instant Application.
2. The Instant Application is not currently in condition for allowance.

Response to Arguments

Response: IDS

3. **Background:**

- 3.1 No IDS submissions have been made to the Office. Firstly, it is noted that the PCT search report associated with the Instant Application was not submitted to the Office for consideration along with the respective entries. Secondly, it appears PAM-STAMP, OPTRIS, and PAM-QUIKSTAMP (software designed by the Assignee of the Instant Application), some of which is depicted in the Drawings of the Instant Application could potentially be considered material to the patentability of the Instant Application. Said software appears to have been publicly disclosed at least as of February, 2001, as demonstrated by the documents cited in form PTO-892 (previous Office Action). Applicants are respectfully requested to provide the user manuals/guides and white papers of the above-mentioned software as it would have been in February 2001, and November 2001. *Applicants are respectfully reminded of their duty to disclose.* A 37 C.F.R. 1.105 Requirement for Information is not currently made.
4. Full faith and credit is extended that the Applicants have complied with their duty to disclose.

Response: Drawings

5. **Applicants argue:**

- 5.1 "In the office action mailed December 4, 2009, the Examiner objected to the drawings. Replacement sheets of drawings containing Figs. 3 and 4 are attached hereto. The Examiner is hereby requested to approve same." (Remarks: page 6)

6. **Examiner Response:**

- 6.1 The drawings remain illegible. Applicants have not complied with the request to provide replacement drawings with legible features. Accordingly, the objection is maintained.

Response: 35 U.S.C. § 101 / 112 ¶ 2

7. Applicants argue:

7.1 "Further in said office action, claims 9 13 and 16 were rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. Claim 9 has been amended to include the subject matter of claims 14 and 15 which has been indicated by the Examiner to be statutory. Thus, this rejection is now moot.

7.2 Still further in said office action claims 9 - 16 were rejected under 35 U.S.C. 112, second paragraph as being indefinite. Appropriate corrections have been made to moot this rejection. Applicants note however that there is no phrase "the prior steps of the method" in claim 9 as set forth in the preliminary amendment of January 10, 2006." (Remarks: page 6)

8. Examiner Response:

8.1 Regarding subsection 1 *supra*, the rejections of the respective claims under 35 U.S.C. § 101 have been withdrawn in view of current USPTO Interim Guidelines regarding statutory matter.

8.2 Regarding subsection 2 *supra*, the 35 U.S.C. § 112 ¶ 2 rejections have been withdrawn.

Response: 35 U.S.C. § 102

9. Applicants argue:

9.1 "Starting from Karafilllis, it appears that the technical problem to solve is to improve the configuration tool of a process of modeling a drawing. In order to resolve the above cited technical problem, the skilled person, starting from the process described in Karafilllis and his general knowledge, would not have been inclined to modify the teaching of Karafilllis to obtain the solution according to the present invention. Indeed Karafilllis does not teach a mechanism to customize a configuration interface model thereby giving the invention a decisive advantage to allow the user to be faster and more efficient. In addition, Karafilllis aims to limit human intervention in such a process modeling (see col. i, lines 60 - 64)." (Remarks: page 8)

10. Examiner Response:

10.1 Applicants' arguments have been fully considered but are unpersuasive. Specifically, any display

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of a user interface (which is disclosed by the reference in **(col: 7 line: 23-34)**) is inherently personalized. This is because the file that is being loaded is specific to the task at hand, which is specific to the person using the device/method. Applicants have not set-forth a specific method of personalization. Accordingly, it is being interpreted as broadly and reasonable as possible, which in this instance is anything that modifies the interface according to, by, or for, the user. Any changes in the interface (which also include the work-product itself) are considered to be personalization. **(col: 7 line: 49-56)**.

Claim Objections

11. Claim 15 is objected to because of the following informalities: lacking antecedent basis for "the prior steps of the method". Appropriate correction is required.
12. Claim 16 is objected-to for lacking proper antecedent basis for the term "the pressing method". Appropriate correction is required.

Drawings

13. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because certain features of Figure 3, and 4 illegible. For example, the title of the Application, the buttons, etc are difficult discern. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

14. Claims 9-13 and 15-16 are rejected under 35 U.S.C. 112, second paragraph, as being **indefinite** for

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failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- 14.1 Regarding the "creating a macro command by a user comprising:" limitation, it is unclear which, if any, of the steps following belong to the limitation of creating the macro command. Proper indentations are required to clarify the claimed invention. Same deficiency exists for "compiling the macro command in supervisor mode comprising:".
15. The above cited rejections are merely exemplary.
16. The Applicant(s) are respectfully requested to correct all similar errors.
17. Claims not specifically mentioned are rejected by virtue of their dependency.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

18. Claims 9-13, and 15-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Karafillis (**US 6,353,768**).

Karafillis discloses: 9. A method for the numerical simulation of a pressing process comprising the steps consisting of:

recording at least one meta-model formed by a supervisor consisting of a permanent collection of numerical representations of elementary constituents of pressing tools, each of the elementary constituents being defined in the form of finite elements, and comprising numerical static attributes (**col: 5 line: 55-60**),

creating a macro command by a user comprising (**col: 2 line: 25-28; col: 2 line: 9-20**):

recording a numerical model of deformation of a blank used in the process to be simulated (**col:**

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4 line: 8-13; col: 7 line: 23-30),

selecting a subset of the permanent collection, for temporary recording of elementary constituents representing a particular pressing tool corresponding to a simulation in question,

the subset constituting a specific collection in the form of digitized finite elements (**col: 5 line: 55-60**),

parameterizing the digitized finite elements of the specific collection, as well as the corresponding attributes according to characteristics of the process to be simulated (**col: 2 line: 15-22**),

compiling the macro command in supervisor mode comprising (**col: 2 line: 25-28; col: 2 line: 9-20**):

recording numerical information representing relative movements of components of the specific collection, according to operating cycles of the pressing process to be simulated (**col: 3 line: 33-36**),

recalculating numerical models of deformation of the blank according to numerical information recorded in the parameterized specific collection, the numerical model of the blank, and specific movements (**col: 3 line: 33-42**), and

generating a numerical or visual representation of the deformations of the blank by the application of the recalculated numerical model (**col: 7 line: 23-30**),

wherein the step of forming the specific collection further comprises displaying a graphical interface and recording information captured from the graphical interface and the step of displaying a graphical interface comprises personalizing a prerecorded interface (**Fig 2 item 216/218; col: 3 line: 24-26; col: 7 line: 23-34**).

Karafilis discloses: 10. A simulation method according to claim 9, wherein the selecting step comprises modifying the state of the elementary constituents that are not pertinent with regard to the selected constituents (**col: 3 line: 33-42**).

Karafilis discloses: 11. A simulation method according to claim 9, further comprising a step of loading, from an external information medium, at least part of the collection parameterizing information (**col: 2 line: 15-22**).

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Karafillis discloses: 12. A simulation method according to claim 9, further comprising a step of loading, from an external information medium, the model of the blank (**col: 2 line: 15-22**).

Karafillis discloses: 13. A simulation method according to claim 9, further comprising a step of loading, from an external information medium, the numerical representation of the subset (**col: 2 line: 15-22**).

Karafillis discloses: 15. A simulation method according to claim 9, wherein said personalization at least partly takes account of the information coming from the prior steps of the method (**Fig 2 item 216 and description**).

Karafillis discloses: 16. A simulation method according to claim 9, further comprising defining several levels of use, with one of the levels of use, supervision, requiring a common generic parameterizing defining the pressing method concerned and the, basic, levels of use, basic, requiring no more than partial parameterizing, complementary and specific, benefiting from the previously performed parameterizing of the supervision level (**col: 2 line: 15-22; the different levels being the others that can, but do not modify the parameters, and the users that do modify the parameters**).

Conclusion

19. All claims are rejected.

20. The Instant Application is not currently in condition for allowance.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action (**35 USC 112 ¶ 2 rejection**). Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX

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MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Silver whose telephone number is (571) 272-8634. The examiner can normally be reached on Monday thru Friday, 10am to 6:30pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamini Shah can be reached on 571-272-2279. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/David Silver/
Examiner, Art Unit 2128